

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

JAKE ADER,)	
)	
Plaintiff,)	
)	
v.)	
)	
)	
FEDERAL BUREAU OF INVESTIGATION and U.S. DEPARTMENT OF JUSTICE)	
)	
Defendants.)	

COMPLAINT

1. Plaintiff JAKE ADER files this Freedom of Information Act suit to force Defendants FEDERAL BUREAU OF INVESTIGATION and U.S. DEPARTMENT OF JUSTICE to produce its records related to Jon Burge. In violation of the statutory requirement that the records be produced “promptly,” FBI has indicated that it will not produce the requested records until December 2020.

PARTIES

2. Plaintiff ADER resides in this judicial district and made the FOIA request at issue in this case.

3. Defendant FEDERAL BUREAU OF INVESTIGATION is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552, and a component of DOJ.

4. Defendant DEPARTMENT OF JUSTICE is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

5. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

6. Venue is proper under 5 U.S.C. § 552(a)(4)(B) because ADER resides in this judicial district.

RELEVANT FACTS

7. On September 20, 2018, ADER requested that the FBI produce “all documents mentioning Jon Burge (1947-2018), former Chicago Police detective, whose death was widely reported in the media.” A true and correct copy of the request is attached as Exhibit A.

8. Burge was responsible for the widespread torture of suspects but was ultimately charged and convicted only of obstruction of justice and perjury.

9. On September 28, 2018, the FBI acknowledged receipt of the request and assigned FOIPA Request Number 1417740-000 to the matter and claimed that “unusual circumstances” applied to the processing of the request, including the need to “search for, collect and examine a voluminous amount of separate and distinct records” and a need for consultation with other agencies.. A true and correct copy of the acknowledgement is attached as Exhibit B.

10. On October 11, 2018, the FBI notified ADER that it had located 5,062 pages of potentially responsive records and required payment of \$160.00 in fees. A true and correct copy of this correspondence is attached as Exhibit C.

11. On November 5, 2018, ADER sent a check in the amount of \$160.00 payable to the FBI and requested the 5,062 pages of records be released on CD to him. A true and correct copy of this correspondence is attached as Exhibit D.

12. On November 8, 2018, the FBI notified ADER that it had “completed its search for records responsive to [his] request” and that the responsive records would be made available

in the FBI's electronic FOIA Library on the FBI's public website and that ADER would receive notice when the records were available. A true and correct copy of this correspondence is attached as Exhibit E.

13. FBI informed ADER in a voicemail message that the estimated completion date for release of these records is December 2020.

14. As of the date of this filing, the FBI has produced no responsive documents.

COUNT I – VIOLATION OF FOIA

15. The above paragraphs are incorporated herein.

16. Defendant, FBI is an agency subject to FOIA.

17. Plaintiff, ADER made a FOIA request to FBI on September 20, 2018.

18. The records sought in ADER's FOIA request are non-exempt public records of FBI.

19. FBI has failed to produce the requested records promptly.

WHEREFORE, Plaintiff asks the Court to:

- i. Order FBI to conduct a reasonable search for records and to produce all non-exempt requested records promptly;
- ii. Award Plaintiff attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

Respectfully Submitted,
/s/ Matthew Topic
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